

## **CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES**

**December 4, 2012**

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3<sup>rd</sup> Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Gene Knisley, Jim Edwards, Barbara Ball, and Karl Walters

Members Absent: Mark Beggs and Jeff Richerson

Staff Present: Matt Tapp, Director  
Debbie Viviano, Planner  
Angie Stokes, Secretary

**Mr. Knisley:** Welcome, I would like to open this evenings meeting of the December 4, 2012 Planning and Zoning, this is our last for the year. I would like to call the meeting to order with roll call please.

**Mr. Tapp:** Karl Walters?

**Mr. Walters:** Present.

**Mr. Tapp:** Jim Edwards?

**Mr. Edwards:** Present.

**Mr. Tapp:** Jeff Richerson?

**Mr. Richerson:** Absent.

**Mr. Tapp:** Barbara Ball?

**Ms. Ball:** Present.

**Mr. Tapp:** Mark Beggs?

**Mr. Beggs:** Absent.

**Mr. Tapp:** Gene Knisley?

**Mr. Knisley:** Present.

**Mr. Knisley:** I believe we have a quorum; yes do I have a motion to approve the November, 2012 minutes?

**Mr. Tapp:** Barbara were you not there?

**Mr. Knisley:** No Barbara was not there, she was the only one.

**Mr. Tapp:** We don't have quorum then to approve it.

**Mr. Knisley:** Oh that is right, okay.

**Mr. Tapp:** We will continue it until next meeting.

**Mr. Knisley:** Sure, yes we will continue.

**Final Vote: No Quorum**

**Mr. Knisley:** If you will take a few moments to review the Month Report.

**Mr. Tapp:** And Mr. Chairman it is important to note, we have 50 single family building permits year to date this year versus 31 the previous year. So we are definitely seeing a ramp up significantly. As well as total revenues have climbed rather nicely, so we are slowly digging our way out.

**Mr. Knisley:** It has been a long process for everybody. Any comments from the Commission any questions? Being none we will continue here. This is a regular agenda meeting so the meeting will be recorded and the staff will submit the minutes for record. We are recording the minutes this evening so when I do call you, you come up to the podium if you will state your name and spell it please for the record, I would appreciate that. I will add that any cases tonight approved or disapproved will be forwarded to the County Commissioner's Hearing on December 17<sup>th</sup>, 2012 in this room. That being

said we have four cases this evening, Case number one is November 12-114RZ/P. This is a request for rezoning from Agricultural (AG) to Residential Ranchette District (R-5) and preliminary plat approval for the proposed subdivision of Buckshot Bend located at approximately 17808 NE 184<sup>th</sup> Street. The applicant is Connie Stoffle. This case was tabled in November, at the last November meeting from the Planning and Zoning. Do we have any additional Staff Report at this time?

**Mr. Tapp:** Yes Mr. Chairman, first off I would like to make a note that we attach the Staff Report revised date of November 16, 2012 as part of the record.

**Mr. Knisley:** So be it that's fine.

**Mr. Tapp:** And I just want to point out the piece that the reasoning of the tabling from the previous meeting was the Comprehensive Plan and the Agricultural Land Preservation adherence and since that time we have been able to work with the surveyor of record as well as the applicants/owners and they have agreed and have applied the ALP area, the Agricultural Land Preservation area and I believe you should have gotten copies of the revised drawings. If you will recall in our 2008 Comprehensive Plan it's pretty much a 20 acre minimum lot size for new subdivisions with some exceptions and the ALP is adhering to one of those exceptions. It's basically 50% of the subdivide area so the surveyor has designated 50% of the lot in this ALP area, it's not a hard steadfast title base, like a conservation easement would be, but it is more of an internal records for the Planning and Zoning Department so when someone comes in for a Building Permit we'll have the plan drawing on file and we'll know where that ALP area is, to where they cannot build in that area. But they are now in adherence to the Comprehensive Plan and we recommend approval of both the rezoning, preliminary plat and final plat.

**Mr. Knisley:** Thank you. Are there any questions or comments from the Commission on reference to this tabled application? Any comments from the applicant? Any comments from the public? Being none it is recommended that the request for rezoning from Agricultural (AG) district to Residential Ranchette District (R-5) with Agricultural Land Preservation be approved. This is for rezoning only do I have a motion?

**Ms. Ball:** Mr. Chairman I make a motion that we approve the rezoning.

**Mr. Knisley:** Thank you there has been a motion to approve the rezoning.

**Mr. Edward:** I second.

**Mr. Knisley:** And a second, a vote please.

**Mr. Tapp:** Karl Walters?

**Mr. Walters:** Approve.

**Mr. Tapp:** Jim Edwards?

**Mr. Edwards:** Approve.

**Mr. Tapp:** Barbara Ball?

**Ms. Ball:** Approved.

**Mr. Tapp:** Gene Knisley?

**Mr. Knisley:** Approved.

**Final Vote:**                      4/0/0    Approve    Nov 12-114RZ/P; Buckshot Bend

**Mr. Knisley:** Now we will proceed to the next item, which is again Case number two November 12-115F. This is a request for final plat approval of Buckshot Bend a proposed subdivision located at approximately 17808 NE 184<sup>th</sup> Street. The applicant is Connie Stoffle, this also was tabled from the November 6<sup>th</sup> meeting.

**Mr. Tapp:** Mr. Chairman, if I may can we have a vote for the preliminary plat as well besides the rezoning?

**Mr. Knisley:** Yes.

**Mr. Tapp:** Are we doing that now or are you talking about the final plat? Or just do it one vote.

**Mr. Knisley:** We can do it with one vote if there no...

**Mr. Tapp:** Okay I just wanted to clarify for the record that the vote was for the rezoning and preliminary plat.

**Mr. Knisley:** Yes that is true. Any comments from the board? Any comments from the applicant or the public? Being none do we have a motion for the final plat approval? Do I have a motion?

**Ms. Ball:** Mr. Chairman I make a motion that we approve the final plat of Buckshot Bend.

**Mr. Knisley:** Thank you.

**Mr. Edwards:** I second.

**Mr. Knisley:** There has been a motion to approve and a second. A vote please.

**Mr. Tapp:** Karl Walters?

**Mr. Walters:** Approve.

**Mr. Tapp:** Jim Edwards?

**Mr. Edwards:** Approved.

**Mr. Tapp:** Barbara Ball?

**Ms. Ball:** Approved.

**Mr. Tapp:** Gene Knisley?

**Mr. Knisley:** Approved.

**Final Vote:** 4/0/0 Approve Nov 12-115F; Buckshot Bend

**Mr. Knisley:** Next item is case number three of December 12-116RZ/F. This is a request for a rezoning from Suburban Residential District (R-1A) to Residential Urban Rural Single-Family District (RU-80) and also a request for a final plat approval for A Replat of Lots 23 and 24 Holmes Creek Hills North 4<sup>th</sup> Plat a proposed replat located at 16401 and 16405 NE 128<sup>th</sup> Street. The applicants are Harley and Mary Hofer and Jase and Deborah Elwood. We have a staff report please.

**Mr. Tapp:** Yes Mr. Chairman and again I would like to attach the Staff Report as part of the record.

**Mr. Knisley:** So be it.

**Mr. Tapp:** Summarized the staff report Dec 12-116RZ/F. As is often the case with subdivisions like this we had a lot of phone calls but once they found out what was occurring there was no big issue or anything. Staff recommends approval.

**Mr. Knisley:** Thank you. Any comments from the Commission any questions?

**Ms. Ball:** No.

**Mr. Knisley:** Any comments from the applicant, if you have any would you step up to the podium. None, you're alright, okay good. Any comments from the public referencing this case? Being none do I have a motion for the rezoning from Suburban Residential District (R-1A) to Residential Urban Rural Single-Family District (RU-80) and also we will include the Replat of Lots 23 and 24 Holmes Creek Hills North 4<sup>th</sup> Plat to be approved do I have a motion?

**Ms. Ball:** Mr. Chairman I make a motion that we approve the rezoning and the final plat of a Replat of Lots 23 and 24 Holmes Creek Hills North 4<sup>th</sup> Plat.

**Mr. Knisley:** Thank you Barbara is there a second?

**Mr. Edwards:** Second.

**Mr. Knisley:** There has been a second. Do I have a vote please?

**Mr. Tapp:** Karl Walters?

**Mr. Walters:** Approve.

**Mr. Tapp:** Jim Edwards?

**Mr. Edwards:** Approve.

**Mr. Tapp:** Barbara Ball?

**Ms. Ball:** Approve.

**Mr. Tapp:** Gene Knisley?

**Mr. Knisley:** Approve.

**Final Vote:** 4/0/0 Approve Dec 12-116RZ/F; A Replat of Lots 23 and 24 Holmes Creek Hills North 4<sup>th</sup> Plat

**Mr. Tapp:** Mr. Chairman you made the comment that the cases heard tonight will be forwarded to the December 17<sup>th</sup> County Commission Meeting.

**Mr. Knisley:** I believe that was right.

**Mr. Walters:** He said they would be heard at the Commission.

**Mr. Tapp:** Okay, December 17<sup>th</sup> is actually combined work and business session, so it's a bonus you get both the work and business in one meeting. So December 17<sup>th</sup> same room 1:30 p.m.

**Mr. Knisley:** Good two for one.

**Mr. Tapp:** Yes two for one special. The end of the year special.

**Mr. Knisley:** Okay the last case this evening is the Dec 12-117CUP. A request for renewal of a Conditional Use Permit (CUP) to operate a public training and riding stable on Agricultural (AG) zoned property located at 4423 Five Corners Road. The applicants are M. Jeanette Bellek and Ronald J. Nekula, Sr., Bell Oaks Stable. Do I have a report on this case?

**Mr. Tapp:** Yes Mr. Chairman I would like to attach the Staff Report as part of the record please.

**Mr. Knisley:** So be it.

**Mr. Tapp:** Summarized the staff report Dec 12-117CUP.

**Mr. Knisley:** Thank you Director. Any comments or questions about this renewal and their Exhibit A eight items.

**Mr. Tapp:** Mr. Chairman.

**Mr. Knisley:** Yes ma'am.

**Mr. Tapp:** Please step to the mic so we can capture your comments.

**Ms. McCarthy:** Thank you kindly ladies and gentlemen my name is Kim McCarthy K-I-M M-C-C-A-R-T-H-Y. I live at 5425 Five Corners Road so I am just up the road a spell a good stretch of the legs. This stable is very important to our area and very import to the children in the Smithville District my daughter Mariana is the only Special Olympian Equestrian for Western Riding in the City of Smithville and as her Mom I am pretty darn proud and it is also an area for the Girl Scouts and Boy Scouts to attend and without this, and that is where our horse is at too, but without this it would be very very devastating to our area. For the children not to be able to be so close and to have access not only to the lake property from there but the children would just suffer. So I implore you and I realize it is all standard procedure but I think sometimes you need not only to hear from the neighbor but also the person that has to have this piece of property there, so I am at a loss of words right now but I thank you kindly.

**Mr. Knisley:** Thank you for your input ma'am, any other comments from the public? Would the applicant like to make any comments at this time? If you would come up to the podium at this time, state your name?

**Ms. Bellek:** My name is M. Jeanette Bellek, mysterious, murderous you know molder whatever you want to call me. I have found that through the years like Marianna, I have had other special needs kids that we have addressed the situation and worked with these kids and I have seen miraculous things happen with autistic kids that wouldn't talk who now don't shut up. It was like hmmm maybe we should not have done this. But it just has been a God sent, I am a special education teacher who retired from Special Ed and horses to me are Special Ed kids. I don't know if any of you are familiar with horses but they are like two year olds too, except maybe better behaved. But I really would appreciate your help and Mr. Walters has helped me, all you people have been really phenomenal so thank you very much. Thank you, have a good evening. And enjoy those stairs.

**Mr. Knisley:** It is easier going down I hope.

**Mr. Tapp:** Easy going down.

**Mr. Knisley:** Well I remember when we approved your original request 10 years ago and I think I've heard a couple good comments on your operation and I read your Business Plan and you have done a very good job and we appreciate it, citizens of Clay County. I do have one question to the Director in reference to the recommendations on the Exhibits, it's number six, I just have one question, I know that we have the file on this request is there anything that popped up over the last ten years that would be any kind of a negative or positive even?

**Mr. Tapp:** There was a complaint back in 2007 Debbie?

**Ms. Viviano:** 2007 or 2006.

**Mr. Tapp:** 7 or 6, maybe 2006, but I was not here I don't really know the full logistic of it, so it's been quite a while so we haven't had any since then.

**Mr. Knisley:** Debbie do you remember that at all?

**Ms. Viviano:** Yes.

**Mr. Knisley:** Was it handled?

**Ms. Viviano:** Yes, it was taken care of.

**Mr. Knisley:** To the satisfaction of the ....

**Ms. Viviano:** Yes.

**Mr. Knisley:** Alright.

**Ms. Viviano:** It was fine.

**Mr. Knisley:** I am sure if you looked at that file before recommending this, it would have been taken care of or been an issue. Alright, being no other questions from the public or the Commission do I have a motion to approve for this Conditional Use Permit for another 10 years? That being the operation of training and riding stable at Five Corners do I have a motion to approve?

**Ms. Ball:** Mr. Chairman I make a motion that we approve the Conditional Use Permit with the eight conditions.

**Mr. Edwards:** I second.

**Mr. Knisley:** Yes thank you, with the eight conditions. We have a motion and a second to approve. Do I have a vote?

**Mr. Tapp:** Karl Walters?

**Mr. Walters:** Approve with conditions.

**Mr. Tapp:** Jim Edwards?

**Mr. Edwards:** Approve with eight conditions.

**Mr. Tapp:** Barbara Ball?

**Mr. Ball:** Approve with conditions.

**Mr. Tapp:** Gene Knisley?

**Mr. Knisley:** Approve with eight conditions. Thank you folks.

**Final Vote: 4/0/0 Approve Dec 12-117CUP; Bell Oaks Stable**

**Mr. Knisley:** Do we have another business under new business Director?

**Mr. Tapp:** We do actually Mr. Chairman. We are trying to put together the 2013 calendar for meetings because we need to reserve this room and have the necessary protocol in order here but there are some question marks. New Year's we kind of took care of, New Year's is on a Tuesday so we went ahead moved to the 8<sup>th</sup> the next if that is okay with the members. Which is pretty standard for us. But 4<sup>th</sup> of July hits on the Thursday before as it stands now so we might not get quorum, so I just bring that July 2<sup>nd</sup> date to your attention we can always change it between now and then. But that one and then Labor Day is September 2<sup>nd</sup> and the meeting is the next Tuesday which could be an issue as well for Labor Day.

**Mr. Knisley:** Okay those two dates.

**Mr. Tapp:** I mean if you want to go ahead, there are two members absent maybe we should not make any decisions, but you look at bumping it down a week basically. If we find those two dates to be in conflict, so it's the Tuesday before 4<sup>th</sup> of July and the Tuesday after Labor Day. But we need to let Facilities Management know now, so say we keep these dates and if you, we'll bring it up at the next meeting if we get enough members and we will see if we need to change it.

**Mr. Knisley:** I forgot to bring my list, so maybe you could provide it a copy for next month and we'll have it in front of us and hopefully take care of that.

**Mr. Tapp:** Okay. Mr. Chairman that is it.

**Mr. Knisley:** Is that it? Any other comments from the Commission?

**Ms. Viviano:** Tentatively we have a Christmas Party planned for December the 18<sup>th</sup>.

**Mr. Knisley:** Well that certainly is important.

**Mr. Tapp:** Yes please come.

**Mr. Edwards:** What date?

**Mr. Knisley:** The 18<sup>th</sup> Jim.

**Mr. Tapp:** Kind of our Open House like we have done in the past years.

**Mr. Knisley:** And I think that's enjoyed by everybody too, it's very nice that you put that on.

**Ms. Ball:** It is fun.

**Mr. Knisley:** Being none do I have a motion to adjourn?

**Ms. Ball:** Mr. Chairman I make a motion that we adjourn this December meeting.

**Mr. Edwards:** Second.

**Mr. Knisley:** There is a motion and a second to adjourn, vote please.

**Mr. Tapp:** Karl Walters?

**Mr. Walters:** Approve.

**Mr. Tapp:** Jim Edwards?

**Mr. Edwards:** Approve.

**Mr. Tapp:** Barbara Ball?

**Ms. Ball:** Approve.

**Mr. Tapp:** Gen Knisley?

**Mr. Knisley:** Approve.

**Meeting Adjourned**

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*Chairman, Planning & Zoning Commission*

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*Secretary, Planning & Zoning Commission*

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*Recording Secretary*